

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARRY JOHN CURLEE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:20-cv-00145-SAB

ORDER GRANTING DEFENDANT'S
MOTION TO STAY ACTION DUE TO
INABILITY TO PRODUCE
ADMINISTRATIVE RECORD IN LIGHT
OF COVID-19 PUBLIC HEALTH
EMERGENCY

(ECF No. 11)

Larry John Curlee ("Plaintiff") filed this action seeking judicial review of a final decision of the Commissioner of Social Security ("Commissioner" or "Defendant") denying an application for disability benefits pursuant to the Social Security Act. The summons and complaint were served on the Commissioner on February 19, 2020. (ECF No. 9.) Pursuant to the January 31, 2020 scheduling order, the Commissioner is to file the certified copy of the administrative record within one hundred and twenty days of the date of service of the complaint. (ECF No. 5 at 2.) On June 12, 2020, the Commission filed a motion to stay this action until a copy of the administrative record can be obtained. (ECF No. 11.)

According to the filing and attached declaration, due to the COVID-19 health emergency, the Social Security Administration ("SSA") has suspended in-office services, and specifically, the emergency has impacted the operations in the SSA's Office of Appellate Operation in Falls Church Virginia. (ECF No. 11; Decl. Christianne Voegelle Support Def's Mot. Stay

Proceedings (“Voegelle Decl.”) ¶ j, ECF No. 11-1.) Consequently, Defendant is presently unable to complete production of the administrative record. (*Id.*) When Defendant regains the ability to prepare administrative records, prioritization will be given to prepare the administrative records based on date, with the oldest receipts to be processed first. (*Id.*)

On April 14, 2020, General Order Number 615 issued in this district staying all Social Security actions filed after February 1, 2020 until the Commissioner may begin normal operations at the Office of Appellate Hearings Operations and may resume preparation of a certified copy of the administrative record. The instant case was filed on January 29, 2020 and was therefore not covered by the general order. However, the circumstances that justified the stay of cases filed after February 1, 2020 are the same circumstances upon which the Commissioner seeks to stay this matter. The Court finds good cause to grant the motion to stay this action until the time the Commissioner regains the ability to produce the administrative record.

Accordingly, IT IS HEREBY ORDERED that:

1. The Commissioner’s motion to stay this action, filed June 12, 2020, is GRANTED;
2. This matter is STAYED until such time the Commissioner regains the capacity to produce and files the Administrative Record in this action; and
3. The stay of this matter shall automatically lift upon the Commissioner’s filing of the Administrative Record.

IT IS SO ORDERED.

Dated: June 16, 2020


UNITED STATES MAGISTRATE JUDGE